



WOLFF LAW OFFICES, PLLC - FILING RECORD

Attorney Docket No.: Legare - PAUS0003

Today's Date: February 29, 2008

Attorney: Kevin A. Wolff

Fee Transmitted Herewith: \$0

Serial No.: 10/657,189

Filing Date: September 9, 2003

Title: CONTROL METHODS FOR IMPROVED CATALYTIC
CONVERTER EFFICIENCY AND DIAGNOSIS

Inventors: Joseph E. Legare

THE MAILING/TRANSMISSION HEREOF ACKNOWLEDGES RECEIPT OF:

DOCUMENTS BEING FILED:

- (1) Transmittal Form
- (2) Cover Letter
- (3) 2 Replacement Pages for Appeal Brief filed January 22, 2008
- (4) Copy of Notification of Non-Compliant Appeal Brief

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 7

Application Number	10/657,189
Filing Date	September 9, 2003
First Named Inventor	Joseph E. Legare
Art Unit	3748
Examiner Name	Diem Tran
Attorney Docket Number	Legare-PAUS0003

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input checked="" type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): - Filing Record - Letter Regarding Response to Notification of Non-Compliant Appeal Brief - 2 Replacement Pages - Page 5 and 6 - Copy of Notification
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Wolff Law Offices, PLLC, P.O. Box 9855, Chapel Hill, NC 27515-9855 Ph. 919-933-9684		
Signature	/Kevin Alan Wolff/ <i>[Signature]</i>		
Printed name	Kevin Alan Wolff		
Date	2/29/2008	Reg. No.	42,233

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	/Kevin Alan Wolff/ <i>[Signature]</i>		
Typed or printed name	Kevin Alan Wolff	Date	2/29/2008

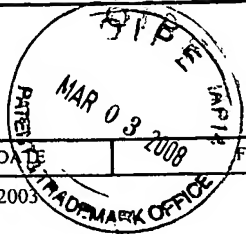
This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,189	09/09/2003	Joseph E. Legare	Legare-PAUS0003	1625

58937 7590 02/12/2008

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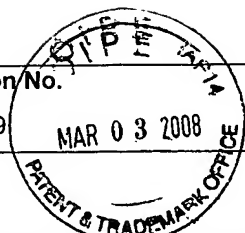
EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 02/12/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/657,189	Applicant(s) LEGARE, JOSEPH E.	
	Examiner D. Tran	Art Unit 3748	



--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 22 January 2008 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

c(6) The brief does not contain a concise statement of each ground of rejection being presented for review (claims 32,33).

c(7) The argument section must match the grounds section inasmuch as each grounds corresponds to a heading within the argument section.

The heading "Grouping of Claims" has been eliminated.

The entire brief is not required, only the sections that were found defective.

DARLENE BROWN
 PATENT APPEAL CENTER SPECIALIST



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February 29, 2008

Darlene Brown
Patent Appeal Center's Specialist
Commissioner of Patents
USPTO
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Alexandria, VA 22313-1450

Re: Response to Notification of Non-Compliant Appeal Brief
Patent Appl. Serial No. 10/657,189

Dear Ms. Brown:

It was a pleasure talking with you yesterday about the Notification of Non-Compliant Appeal Brief that was mailed by you on February 12, 2008 (copy attached) for U.S. Patent Appl. Serial No. 10/657,189. Thank you for your explanation and indication that the Grounds of Rejection To Be Reviewed on Appeal was missing the grounds for rejecting claims 32 and 33. Also, thank you for indicating that the Grouping of Claims Section was not needed and could be deleted. I have now made the correction regarding claims 32 and 33, and have deleted the Grouping of Claims Section as you suggested (to more easily make the same pagination).

Per your instructions and our discussion, I submit herewith amended pages 5 and 6 to replace pages 5 and 6 (2 pages) originally filed with the January 22, 2008 Appeal Brief to address the issues identified in the Notification of Non-Compliant Appeal Brief.

Please let me know if there is anything else that might be needed to make this Appeal Brief compliant. Thanks again for noting the error.

Sincerely,

Kevin Alan Wolff
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